

REMARKS

Summary of the Office Action

In the Office Action, Claims 1, 2, 4 and 8 stand rejected under 35 U.S.C. § 102(b) as being taught by U.S. Patent No. 5,463,607 to Roth et al. (hereinafter “Roth”).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth in view of U.S. Patent No. 4,992,891 to Komatsu et al. (hereinafter “Komatsu”).

Claims 3, 6 and 7, while objected to as being dependent on a rejected base claim, would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

Applicants have canceled claim 1 without prejudice or disclaimer and amended claims 2-4, and 8. Accordingly, claims 2-8 remain pending for consideration.

The Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 2, 4 and 8 stand rejected under 35 U.S.C. § 102 as being anticipated by Roth. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roth in view of Komatsu. Applicants respectfully submit that these rejections no longer apply to the claims as newly-amended for at least the following reasons.

The Office Action indicates that claim 3, for example, while objected to as being dependent on a rejected base claim, would be allowable if rewritten in independent form. In accordance with this indication of allowable subject matter, Applicants have opted to rewrite claim 3 in independent form. In particular, the limitations of original claim 1 have been added to claim 3. Accordingly, claim 1 has been canceled without prejudice or

disclaimer. As a result, Applicants respectfully submit that newly-amended independent claim 3 is now in *prima facie* condition for allowance in light of the Office Action's indication of allowable subject matter. Moreover, dependent claims 2, 4 and 8 have been amended to be dependent on newly-amended independent claim 3. Accordingly, each of dependent claims 2 and 4-8 are also in condition for allowance at least because of their dependence from newly-amended independent claim 3. As a result, withdrawal of all outstanding rejections under 35 U.S.C. §§ 102(b) and 103(a) is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request withdrawal of all outstanding rejections and the timely allowance of this application. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be

required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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